

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVN.APPLICATION NO.315 OF 2004
WITH
CRIMINAL REVN.APPLICATION NO.316 OF 2004

Abhay Hiralal Rahatekar ... Applicant

versus

A.C.B., C.B.I. and anr. ... Respondents

...

Mr.M.S.Mohite, for the Applicant in both matters.

Mr.D.R.More, A.P.P., for the Respondent State
in both matters.

...

CORAM : A.M.KHANWILKAR, J.

1st March 2005

P.C.:

. Heard Mr. Mohite, for the Applicant in both matters. As there is material on record to suggest that the Applicant had assisted the rest of the accused in introducing them to the Bank and on that basis fictitious accounts were opened

by the Bank, it is not a case of no evidence against the Applicant. Whether that evidence is sufficient to indicate complicity of the Applicant in the commission of the crime, which is also of criminal conspiracy, is a matter for trial. In the circumstances, no fault can be found with the view taken by the Court below in rejecting application for discharge preferred by the present Applicant for the reasons recorded in para 10 of the impugned order. Hence, dismissed.

. Needless to observe that the trial Court will decide the case on its own merits in accordance with law uninfluenced by any observation made in the impugned order, or, the dismissal of the present applications.

(A.M.KHANWILKAR, J.)